

REMARKS

A Petition for Extension of Time along and the appropriate fee are being concurrently filed herewith.

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

Status of the Claims

In the present Reply, claims 2 and 11 have been canceled without prejudice or disclaimer of the subject matter contained therein. Further, claims 1 and 6 have been amended. Thus, claims 1, 3-10 and 12-14 are pending in the present application.

No new matter has been added by way of these claim amendments, because each amendment is supported by the present specification and merely incorporate subject matter from the canceled claims. For example, the amendment to claim 1 incorporates the subject matter of canceled claim 2. Similarly, claim 6 as amended incorporates the subject matter of canceled claim 11. Thus, no new matter has been added.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Substance of the Interview

Applicants thank the Examiner for his time, helpfulness and courtesies extended to Applicants' representative during the Interview of February 9, 2006. The Examiner's assistance in advancing prosecution of the present application is greatly appreciated. In compliance with M.P.E.P. § 713.04, Applicants submit the following remarks.

The Interview Summary form amply summarizes the discussions at the Interview. Various ways of addressing the prior art rejections were discussed, and suggestions were discussed that may be drafted to cover particular aspects of the invention as not described by the prior art. In particular, Applicants' representative presented the Examiner with a Rule 132 Declaration that showed unexpected results for the present invention. That same Declaration is enclosed herewith and is discussed in more detail below. Further, Applicants' representative presented the Examiner with certain claim amendments, which are also reflected herein.

It is believed that the outstanding rejections have been overcome. Applicants traverse the outstanding rejections as follows.

Issues Under 35 U.S.C. § 103(a)

Claims 1-3, 5-12 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Higashiura *et al.* '140 (JP Patent No. 10-125140) in view of Hosoi '703 (JP Patent No. 04-345703) (see paragraphs 2-4 of the outstanding Office Action).

Also, claims 4 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Higashiura '140 in view of Hosoi '703, as applied to claims 1 and 6-10 above, further in view of Nakano *et al.* '238 (U.S. Patent No. 5,166,238) (see paragraph 5 of the Office Action).

Paragraph 6 on pages 6-11 of the Office Action contains the Examiner's reply to Applicants' previously submitted arguments.

Applicants respectfully traverse each rejection, including some of the remarks in paragraph 6 of the Office Action, and reconsideration and withdrawal thereof are respectfully requested.

The Present Invention

Instantly pending claims 1 and 6 are the independent claims for this application.

As recited in instantly pending claim 1, one feature of the present invention resides in the specific combination of an (inner) insulating layer and a second insulating layer that is positioned outside of the mentioned inner layer. That is, as recited in pending claim 1, the inner layer is composed of a polyethersulfone (PES) resin. A polyphenylenesulfide (PPS) resin forms the "at least one insulating layer". Further, the claimed PPS initially has a loss modulus that is two or more times a storage modulus, at 300°C and 1 rad/s in a nitrogen atmosphere.

In pending claim 6, the inner layer is composed of a resin mixture made by blending 100 parts by weight of resin (A) of at least one selected from the group consisting of a polyetherimide resin and a polyethersulfone resin, and 10 parts by weight or more of resin (B) of at least one selected from the group consisting of a polycarbonate resin, a polyarylate resin, a polyester resin and a polyamide resin. Similar to claim 1, claim 6 also recites that the outer layer

is composed of the PPS resin, wherein the PPS resin also has a loss modulus that is two or more times a storage modulus (at 300°C and 1 rad/s in a nitrogen atmosphere).

Unexpected Results for the Present Invention Rebut any asserted *Prima Facie* case of obviousness

As stated in M.P.E.P. § 2144.09 (see section entitled “*Prima Facie* Case Rebuttable By Evidence of Superior or Unexpected Results”), any rejection under 35 U.S.C. § 103(a) may be rebutted by a sufficient showing of unexpected results for the present invention. In this regard, Applicants respectfully submit that the present invention has achieved unexpected results, whereby such results rebut any asserted *prima facie* case of obviousness (whether based on Higashiura ‘140, Hosoi ‘703 and/or Nakano ‘238 or any other reference or combinations thereof). See *In re Corkill*, 771 F.2d 1496, 226 USPQ 1005 (Fed. Cir. 1985); see also *In re Papesch*, 315 F.2d 381, 137 USPQ 43 (CCPA 1963); *In re Wiechert*, 370 F.2d 927, 152 USPQ 247 (CCPA 1967). Applicants herein enclose a second Declaration pursuant to 37 C.F.R. § 1.132 showing unexpected results for the present invention.

The attached Declaration is actually supplemental or cumulative to the previously filed Rule 132 Declaration (filed on July 1, 2005). Upon reading this supplemental Declaration, one of ordinary skill in the art would understand that the comparative showing is evidence of unexpected results for the claimed invention.

In the current Declaration, Sample 301 is compared to Comparative Example 201. There are also two other embodiments of the present invention shown in the Declaration (Examples 8 and 11). As can be seen in the Declaration, Comparative Example 201 exhibits good heat

resistance and high dielectric voltage before heat treatment (see the results of the tests for heat resistance (1) and dielectric breakdown voltage in Table B on page 3). However, after Comparative Example 201 undergoes heat treatment, the electric property of this comparative embodiment deteriorates (see the result of the test for heat resistance (2) in the same Table B). In fact, Comparative Example 201 achieves a residual ratio of only 46% in the test for heat resistance (2). In this regard see also the paragraph at the bottom of page 3 of the Declaration. Applicants note that in the heat treatment, the comparative multilayer insulated wire was twisted in accordance with the twisted pair method of JIS C 3003. The final product of the twisted wire of Comparative Example 201 was heated at a temperature of 220°C, Class B, for 168 hours.

On the other hand, the present invention's multilayer insulated wire achieves excellent heat resistance as well as electric properties (see the present specification at page 28, lines 7-12). In particular, as one of ordinary skill in the art would understand from the contents of the Declaration, the present invention unexpectedly achieves better heat resistance after heat treatment. In this regard, Applicants respectfully refer the Examiner to Examples 8, 11 and 301 in Table B on page 3 as well as the discussion at the top of page 4 of the Declaration. Examples 8, 11 and 301 achieve residual ratios of 95%, 95% and 84%, respectively.

As described above, although Comparative Example 201 before heat treatment encountered little or no problems regarding heat resistance and electric properties, the electric properties after heat treatment deteriorated (see Table B). Regarding Comparative Example 201, a comparative showing need not compare the claimed invention with all of the cited prior art, but only with the closest prior art. *See* M.P.E.P. §§ 716.02(b) and 716.02(e); *see also In re Fenn et*

al., 208 USPQ 470 (CCPA 1981); *In re Holladay*, 199 USPQ 516 (CCPA 1978). In this regard, Comparative Example 201 uses PPS-A, which is “PS-106-1129” (trade name, manufactured by Dainippon Ink & Chemicals, Inc.) having a $\tan\delta$ value of 1.99 (see Table B and the Note below the table). As a comparative showing, Applicants have tested three Inventive Examples. This includes Example 301 that utilizes PPS-B which has a $\tan\delta$ value of 2.03. Also, pending claims 1 and 6 recite that the polyphenylenesulfide resin that forms “the at least one insulating layer” initially has a loss modulus that is two or more times a storage modulus. Thus, the present inventors have made a proper comparison to the closest prior art example.

Applicants further note that the Declaration should be considered as evidence of patentability of the present invention since superiority can establish unexpected results. *See In re Chupp*, 816 F.2d 643, 646, 2 USPQ2d 1437, 1439 (Fed. Cir. 1987). Here, the enclosed Declaration is evidence of superior and unexpected results for the present invention. Specifically, as shown in Table B, Examples 8, 11 and 301 achieve residual ratios of 95%, 95% and 84%, respectively (in the test for heat resistance (2)). This is stark contrast to Comparative Example 201 that achieves a residual ratio of merely 46% (in the test for heat resistance (2)). In other words, the present invention has achieved superior and unexpected results. Reconsideration and withdrawal of all rejections under δ 103(a) are respectfully requested.

Applicants have considered the Examiner’s comments in paragraph 6 of the Office Action. Applicants maintain their position that the instant rejections under δ 103(a) are improper for the same reasons as stated in Applicants’ replies dated July 1, 2005 and August 1, 2005. Those comments are herein incorporated by reference.

Briefly, though the Examiner asserts in paragraph 6 of the Office Action that the unexpected results are not persuasive since the extrusion rate feature is not positively recited in the claims, Applicants respectfully submit that this it is not necessary to recite such a feature since the structural features in the pending claims lead to this extrusion rate feature inherently.

Still, given the contents of the currently attached Rule 132 Declaration, Applicants submit that this rejection under § 103(a) is overcome based on evidence of unexpected results for the present invention. In the previous Rule 132 Declaration (of July 1), since no multi-layer insulated wire having a fluororesin coating is described in the Examples section of the specification (starting at page 29), Applicants have provided such a wire and tested and evaluated this comparative example. In the currently attached Declaration, Applicants have again shown superior and unexpected results that compares to an example having a $\tan\delta$ value of 1.99. Thus, a proper comparison has been made. Further, and as previously stated, any rejection under 35 U.S.C. § 103(a) may be rebutted by a sufficient showing of unexpected results for the present invention. *See* M.P.E.P. § 2144.09.

Accordingly, Applicants respectfully submit that the present invention has achieved unexpected results that rebut any rejection under § 103(a) (see both the July 1 and the herein attached Declarations). Accordingly, reconsideration and withdrawal of all rejections are respectfully requested.

Application No. 10/720,282
Art Unit 2831
Reply to Office Action of August 11, 2005

Docket No.: 0234-0472P

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 10, 2006

Respectfully submitted,

By 

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Attachment: Declaration (37 C.F.R. § 1.132)